IN THE HIGH COURT OF UTTARAKHAN AT NINITAL

Writ Petition No. 1488 of 2007 (S/S)

Lohare Ram S/o Ram Swarup
Barber Wide No. 932260022
Central Industrial Security Force
R/o Quarter No. A- 189,
C.I.S.F. Complex, B.H.E.L.,
Haridwar.

…….. Petitioner

Versus

1. Union of India
   through Principal Secretary Home Affairs,
   New Delhi.
2. Inspector General/ North Zone,
   Central Industrial Security Force
   Premises, Saket, New Delhi.
3. Deputy Inspector General/ North Zone,
   Central Industrial Security Force
   Premises, Saket, New Delhi.
4. Commandant
   Central Industrial Security Force
   B.H.E.L., Haridwar.
5. Assistant Commandant/ Administration
   Central Industrial Security Force Unit,
   Haridwar.

……. Respondents

Mr. Udyog Shukla, Advocate for the petitioner.
Mr. Vinod Sharma, Central Govt. Counsel for the respondents.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Central Government Counsel for the respondents.

2) By means of this writ petition, the petitioner has challenged the order dated 18.10.2006 (copy Annexure-7

to the writ petition), passed by respondent No. 4, and order dated 03.02.2007 (copy Annexure-9 to the writ petition), passed by respondent No. 3.

3) Brief facts of the case are that the petitioner, a member of Central Industrial Security Force, had a duty of a Barber, in one of its Unit posted at Bharat Heavy Electricals Limited, Haridwar. There are charges of serious misconduct against the petitioner, that not only he refused to perform his duties, but also assaulted the members of his Unit and hurled abuses at them. The impugned order shows that the Enquiry Officer has given proper opportunity of begin heard to the petitioner. The evidence adduced by the witnesses has been considered and the pleas raised by the petitioner are also considered and answered by the Enquiry Officer. After earlier round of litigation, the appellate/ revisional authority vide its order dated 03.02.2007, has also considered the evidence on record and concurred with the findings recorded by the Enquiry Officer. The factual aspect cannot be raised again before this court.

4) For the reasons as discussed above, the writ petition is dismissed in limine with the observation that the petitioner may seeks other remedy available under the law. (Interim relief application also stands dismissed).

(Prafulla C. Pant, J.)

Dt.10.10.2007
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